

Senate Bill 331

By: Senator Thomas of the 2nd

A BILL TO BE ENTITLED
AN ACT

To amend Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, so as to create the Commission for the Blind and the Visually Impaired; to provide for a short title; to provide for legislative intent; to provide for the composition and appointment of commission members; to provide for an executive director; to provide for duties; to provide for an annual report; to provide for a complaint process; to specify the powers and duties of the commission, transferring functions otherwise assigned; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is amended by adding a new chapter to the end of such title to read as follows:

"CHAPTER 11

30-11-1.

This chapter shall be known and may be cited as the 'Commission for the Blind and the Visually Impaired Act.'

30-11-2.

As used in this chapter, the term:

(1) 'Blind or visually impaired' means a person:

(A) Having a central visual acuity of 20/200 in the better eye with the best corrective lens, or a visual field of 20 degrees or less; or

(B) With a severe visual disability resulting in legal blindness verified by an eye examination.

(2) 'Commission' means the Commission for the Blind and the Visually Impaired.

1 30-11-3.

2 (a) The purpose of this chapter is to establish and authorize a coordinated program of
3 services throughout this state that will be available to individuals who are blind or visually
4 impaired. The program shall be designed to maximize employment opportunities for such
5 individuals and to increase their independence and self-sufficiency.

6 (b) It is the policy of this state that all programs, projects, and activities of the commission
7 shall be carried out in a manner consistent with the following principles:

8 (1) Respect for individual dignity, personal responsibility, self-determination, and pursuit
9 of meaningful careers, based on informed choice;

10 (2) Support for the involvement of an individual's representative if an individual
11 requests, desires, or needs such support;

12 (3) Respect for the individual's privacy and equal access, including the use of
13 information in accessible formats; and

14 (4) Integration and full participation of individuals who are blind or visually impaired
15 in society on equal terms with others.

16 30-11-4.

17 (a) The Commission for the Blind and the Visually Impaired is hereby created. The
18 commission shall consist of five members appointed by the Governor and qualified to serve
19 based on knowledge and experience in rehabilitation and related services for the blind or
20 visually impaired. A majority of the members shall be blind or visually impaired. No
21 member of the commission shall be employed by the commission during the term of such
22 membership.

23 (b) The Governor shall consult with consumer groups representing blind or visually
24 impaired persons in this state to obtain their recommendations of individuals to be
25 appointed.

26 (c) The appointment of each member shall be for a term of three years, except for the
27 terms of the initially appointed members. Three of the initial appointments shall be for
28 terms of two years and two of the initial appointments shall be for terms of one year as
29 specified by the Governor. Thereafter, all members shall be appointed for terms of three
30 years.

31 (d) The commission shall meet quarterly and at such other times as it shall determine. The
32 chairperson of the commission shall be elected by the members present and voting at the
33 first meeting of the commission and annually thereafter. Commissioners shall receive no
34 salary, but shall be allowed the usual mileage, subsistence, and per diem as authorized by
35 law. A majority of the members of the commission shall constitute a quorum to transact
36 business.

(e) The Georgia Statewide Coalition on Blindness shall be the official advisory committee with the responsibility of reporting to the commission.

30-11-5.

(a) The commission shall appoint an executive director with knowledge and experience in rehabilitation and related services for the blind or visually impaired. The executive director shall serve as secretary to the commission and shall be the chief administrative officer of the commission. The executive director's appointment shall be for an indefinite period but may be terminated for cause as determined by a majority of the commission. Preference shall be given to employing an individual who is blind or visually impaired and meets the qualifications specified by the commission.

(b) The executive director shall employ such personnel as are needed and shall fix their compensation in a manner consistent with state law.

30-11-6.

(a) The commission shall:

(1) Develop and carry out a state plan for vocational rehabilitation services for individuals who are blind or visually impaired pursuant to Section 101 of the federal Rehabilitation Act of 1973, as amended;

(2) Provide independent living services for blind or visually impaired individuals, including services for older individuals who are blind or visually impaired, pursuant to Title VII of the federal Rehabilitation Act of 1973, as amended;

(3) Contract with private agencies who provide services for the blind or visually impaired to provide prevocational and other training such as, but not limited to, instruction in Braille, orientation and mobility for independent travel, homemaking and home-management skills, and communications skills, including the use of computer technology, to prepare blind and visually impaired persons for eventual vocational training, job placement, higher education, home usage such as reading of mail and letter writing, and independence;

(4) Establish and carry out a business enterprises program and serve as the state licensing agency for blind and visually impaired individuals pursuant to the federal Randolph-Sheppard Act;

(5) Establish and administer a state-wide program to certify individuals who are qualified to teach Braille to blind or visually impaired individuals, including individuals attending elementary and secondary schools, using performance criteria based on the National Literary Braille competency examination administered by the Library of Congress;

1 (6) Purchase and distribute specialized equipment, devices, and technology, including
2 low-vision aids, obtained directly from specialty vendors without state centralized
3 purchasing procedures;

4 (7) Provide library services to persons who are blind or visually impaired and persons
5 with physical disabilities in cooperation with the Library of Congress;

6 (8) Create and maintain an instructional media center for the production, purchase,
7 distribution, reallocation, and warehousing of accessible materials for blind or visually
8 impaired children and adults;

9 (9) Provide technical assistance in cooperation with other appropriate agencies to assist
10 the Department of Education and local boards of education in the provision of auxiliary
11 aids and services to blind or visually impaired students and their parents by complying
12 with the federal Americans with Disabilities Act, as amended, and the federal Individuals
13 with Disabilities Education Act, as amended;

14 (10) Provide technical assistance to agencies within this state in order to ensure that
15 information technology purchased or used by such agencies is accessible to and useable
16 by individuals who are blind or visually impaired at the time the technology is purchased
17 or used;

18 (11) Participate, through the designation of the executive director or an appropriate staff
19 member of the commission, on boards, commissions, or bodies which may exist or be
20 established within this state for the purpose of coordination and planning of services;

21 (12) Conduct a review of consumer satisfaction with programs of the commission and
22 perform other functions of the state-wide rehabilitation council specified in Section
23 105(c) of the federal Rehabilitation Act of 1973, as amended;

24 (13) Promulgate rules to carry out programs of the commission;

25 (14) Apply for and receive money from any state or federal agency to support the
26 programs of the commission and receive on behalf of this state any gifts, donations, or
27 bequests from any source to be used in carrying out the commission's duties as described
28 in this chapter; and

29 (15) Develop and administer any other program which will further the provision of
30 services to the blind or visually impaired and is determined by the commission to fall
31 within its scope of responsibility.

32 (b) The commission may carry out any of the powers and duties enumerated in this Code
33 section by contract or cooperative agreement or by the direct administration of any
34 program.

1 30-11-7.

2 The commission shall publish an annual report including a list of accomplishments,
3 findings, and recommendations for improvement based on its activities and performance
4 during the year. The report shall contain information needed to evaluate the progress of the
5 commission in meeting the needs of blind or visually impaired individuals in this state.

6 30-11-8.

7 (a) Any applicant for or recipient of services from the commission who is dissatisfied with
8 any action taken or decision made regarding such services may file a complaint setting
9 forth the basis for the dissatisfaction and the remedy sought. Upon receipt of the
10 complaint, the executive director shall inform the individual of the voluntary process
11 available for mediation of the dispute. The mediation, if chosen by the individual, shall be
12 conducted by a qualified and impartial mediator and the cost shall be paid by the
13 commission.

14 (b) If the dispute cannot be resolved by mediation or other informal means, the executive
15 director shall, upon request of the individual, convene an arbitration panel which shall give
16 notice, conduct a hearing, and render a decision. The arbitration panel shall be composed
17 of three members appointed as follows:

18 (1) One individual designated by the individual filing the complaint;

19 (2) One individual designated by the executive director; and

20 (3) One individual chosen by the other designees who is an impartial hearing officer as
21 defined in Section 102 of the federal Rehabilitation Act of 1973, as amended, who shall
22 serve as chairperson of the arbitration panel and issue the decision.

23 (c) The commission shall promulgate rules sufficient to regulate the conduct of all
24 proceedings required in this Code section and to ensure the rights of all parties participating
25 therein.

26 30-11-9.

27 (a) The commission shall work cooperatively with private agencies that provide services
28 for the blind or visually impaired. All existing contracts and agreements in effect
29 concerning services for the blind or visually impaired shall be binding upon the
30 commission to the same extent that such contracts or agreements were binding upon the
31 agency from which they were transferred.

32 (b) All proceeds from claims filed with any agency, including the Social Security
33 Administration, which relate to the provision of services for the blind or visually impaired
34 shall be transferred to the commission from any agency receiving such proceeds."

1 **SECTION 2.**

2 This Act shall become effective on July 1, 2008.

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.